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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,446	09/26/2000	Lawrence Bergman	YOR9-2000-0504-US1	3531

7590

10/09/2003

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EXAMINER

AKERS, GEOFFREY R

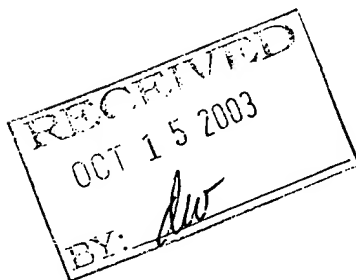
ART UNIT

PAPER NUMBER

3624

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



CLIENT DOCKET INFORMATION  
Client Name YOR9-2000-0504-US1  
File No.                       
DATE / ACTION DOCKETED  
12.09.03 / RFDA  
Docketed By KL Date 10.10.03  
Attorney Initials g Date 10.28.03

# Office Action Summary

Application No.

09/670866

Applicant(s)

Beyman

Examiner

Hors, g

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/13/03
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

Art Unit: 3624

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is issued in response to applicant's Amendment A(Papar #6 ) filed 8/13/03.
2. Claims 1,2,5,7-11,16,17,20,22-26.31-37 were amended. New claims 41-45 were added.
3. Claims 1-45 including newly added claims, are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-45 are rejected under 35 USC 103(a) as unpatentable over Geller(US Pat. No: 6,236,990) in view of Walker(US Pat. No: 6,131,086) and further in view of Ojha(US Pat. No: 6,598,026).
6. As per claims 1-45 Geller teaches a method of presenting information on products and ranking these products(Abstract)(Fig 2A)(Fig 2B) and calculating user preferences(Fig 3) through filtering as well as calculating rankings and scores(col 8 lines 27-48) of products based on consumer interests.Geller further teaches a preference calculator(Fig 2A/230), and evaluation storage(Fig 2A/218) and an attribute display module(Fig 2A/222) and a product data display module(Fig 2A/220) and product selection storage(Fig 2A/250) as well as scoring products by

Art Unit: 3624

name(Fig 2B) and placing orders(Fig 3/342). Walker teaches permitting users to purchase products(Abstract)(Fig 7)(Fig 8) of all varieties(col 3 lines 18-29) and a variety of vendors(col 5 lines 35-50) as well as allocating purchasing time for the products(Fig 11A)(Fig 11B)(col 7 lines 30-44). Walker further teaches a product database(Fig 6) and a product description for specific products(Fig 6/630) and availability(Fig 6/645) and a product cost(Fig 6/640) as well as processing orders by customers(Figs 11a-11c). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Geller in view of Walker to teach part of the invention. The motivation to combine is to teach a system for making products available to users as enunciated by Walker(col 2 lines 3-5). Ojha teaches a method for facilitating a transaction between a buyer and seller for a product via the Internet(Abstract)(Fig 1-18)(col 2 line 46-col 8 line 32) as well as a buyer placing bids to sellers(Fig 2/210) and negotiation(Fig 2/214) including offers and counteroffers(Fig 2a) and product searching(Fig 3) through graphical user interfaces. Ohje further teaches displaying products by manufacturer and type(Fig 6) and product details and prices of all merchants(Fig 8) where a customer may bid as well as placing bids(Fig 9) and a listing of bids and asks between the parties(Fig 11) and a compilation of the number of bids above threshold prices(Fig 12) and a listing of the business rules to the merchants(Figs 13A-13D). It would have been obvious to one skilled in the art at the time of the invention to combine Geller in view of Walker and further in view of Ojha. The motivation to combine Ojha in view of Geller and Walker is to teach a method for buyers to negotiate online with sellers for products as enunciated by Ojha(col 2 lines 40-44).

Art Unit: 3624

*Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-45 are further rejected under 35 USC 112(2nd) for failing to explicitly define the unique characteristics of the disclosure with respect to the current art.

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*Response to Arguments*

9. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,


Art Unit: 3624

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



October 3, 2003

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER